

Application No. 10/615,627  
Amendment Dated October 10, 2005  
Reply to Office Action of August 30, 2005

REMARKS

Regarding the rejections based upon double patenting, applicant will file a terminal disclaimer. As it is not yet known which claims will ultimately be allowed, the filing of a terminal disclaimer will be deferred pending that determination. If all of the elected claims are allowed, applicant will file a terminal disclaimer in respect of claims 64-67, 69-73, 75-77, 79-84, 86-90, 92-1-1, 103, 104, 106-111, 113-117, 119-122, 124 and 126, to the extent that they would extend beyond the expiration date of prior Patent No. 5,436,030.

In response to the objection to claim 110 under 37 CFR 1.75(c), that claim has been cancelled.

In response to the rejection of claims 68, 74, 78, 85, 91, 102, 105, 112, 118, 123 and 125 under 35 USC 112, first paragraph, all of these claims have been amended to change the phrase "at a speed greater than about 2400 fpm" to "at a speed of 2400 to 6000 fpm." The new terminology, as noted by the examiner, is found in the specification. It is submitted that these claims are now allowable.

In response to the rejection of claim 75 under 35 USC 112, second paragraph, this claim has been amended to delete the phrase "along an unenclosed length of the passage" since, as noted by the examiner, there is no antecedent for "the passage". The claim should now comply with 35 USC 112, second paragraph.

The rejection of claims 64-66, 75, 76 and 80 under 35 USC 102(b), as being anticipated by Isayama et al. 4, 299, 188, is respectfully traversed. These claims all recite

the step of "introducing coating liquid under pressure onto a concave curved surface".

Applicant appreciates that a claim, during examination, may be given its broadest reasonable interpretation consistent with the specification, but it is respectfully submitted that the interpretation being accorded the phrase "under pressure" by the examiner is neither reasonable nor consistent with the specification, as required by Section 2111 of the MPEP. According to the MPEP, the broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach, and the words of the claims must be given their plain meaning. Ordinary, simple English words whose meaning is clear and unquestionable, absent any indication that their use in a particular context changes their meaning, are construed to mean exactly what they say. Claim language is presumed to have the ordinary and customary meaning attributed to it by those of ordinary skill in the art.

Clearly, given the teachings of the specification, one skilled in the paper coating art would not interpret the meaning of coating liquid being introduced onto a curved surface "under pressure", as used in the claims, as including coating liquid that is simply "exposed to atmospheric pressure" while being flowed onto a curved surface. Instead, one skilled in the paper coating art would recognize that applicant's claimed method would be useless and not yield commercially acceptable coated paper unless the pressure at which the coating liquid were introduced onto the curved surface were at some value in excess of atmospheric pressure. Perhaps more to the point is that one skilled in the art, and not just the paper coating art but any art, would know and

understand that unless there are teachings or circumstances clearly indicating otherwise, reference to the "pressure" of a liquid normally excludes ambient or atmospheric pressure, and that such pressure of a liquid is usually measured and referenced relative to atmospheric pressure, such that ambient or atmospheric pressure is considered as being zero. Thus, a liquid that is at atmospheric pressure is not under pressure within the well understood meaning of the term "under pressure".

In interpreting the rejected claims for the purpose of examination, if the "under pressure" language of the claims is given its ordinary, reasonable and understood everyday meaning, it can only mean "under a pressure greater than atmospheric pressure", and when properly so interpreted, it is seen that the "under pressure" claim limitation is neither taught nor suggested by Isayama et al. Granted, the liquid in Isayama et al. is under some pressure as it is pumped vertically upward onto the linearly extending slide surface, but from the time it is introduced onto the slide surface until the time it leaves the downstream end of the curved surface 9, at no time is it "under pressure" within the meaning of the claims. It simply flows along the slide surface under the influence of gravity until it reaches the intersection 10 between the slide surface and the curved surface 9, whereupon it flows across the intersection and onto, along and off of the curved surface, all the while being under no pressure whatever, other than being exposed to atmospheric pressure. Isayama et al. therefore does not teach and does not suggest the "under pressure" limitation of the rejected claims. To hold otherwise would render meaningless the use of the term "under

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pressure" in any claim directed to any invention, since every liquid on the earth, unless it is being maintained in a vacuum, is at least under atmospheric pressure and would anticipate the phrase.

Accordingly, it is submitted that independent claim 64 and its dependent claims 65, 66, 75, 76 and 80 are neither anticipated by nor obvious over Isayama et al., and that these claims are allowable. Should the examiner disagree, it is requested that the amendments to various ones of the other claims be entered to place the application in better condition for any appeal.

As all of the claims now appear to be allowable, favorable reconsideration and early passage of the application to allowance are respectfully requested.

Respectfully submitted,



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